



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

June 17, 2002

Dear General Election Candidate:

Please read the following guidance very carefully regarding the application of the Maine campaign finance reporting laws and the Maine Clean Election Act:

- “Contributions” received up to and including the day of the primary election are applied to the primary election and “contributions” received from the day after the primary election through the day of the general election are applied to the general election. See pages 53-55 of “A Candidate’s Guide to Running for Office in Maine 2002” for the definition of “contribution.” A contribution should be reported as “received” the date the check or funds come into possession of the candidate or treasurer, not the date of the check or the date of deposit into the campaign account.
- An “expenditure” made up to and including the day of the primary election is applied to the primary election, even if the benefit from that expenditure is not to be received until the general election. **Example:** \$1,000 expended on June 1st to reserve newspaper advertising space in October is considered a primary election expenditure, not a general election expenditure. See pages 55-57 of “A Candidate’s Guide to Running for Office in Maine 2002” for the definition of “expenditure.” **NOTE:** Incurring an obligation to pay for something ordered is an expenditure as of the date the obligation is incurred, not when the goods or invoice are received or the date the payment check is written.
- **PRIMARY ELECTION BALANCE:** The Commission Staff must know each candidate’s account balance brought forward from the primary to the general election in order to compute matching fund eligibility for Maine Clean Election Act candidates and the amount a nonparticipating opponent may raise or spend before having to file a 101% accelerated report. To do that, each candidate must complete the page following the cover page of the Candidate Campaign Finance Report 2002. That page includes the following statement at the bottom: **“MY ACCOUNT BALANCE AS OF JUNE 12, 2002, CARRIED FORWARD FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION WAS: \$_____.”** Please ensure that your Treasurer determines the exact account balance (i.e., total receipts minus total expenditures through June 11th) and reports that balance on your 42-day post primary election report. Please call the Commission office if you have any questions.
- **EXTREMELY IMPORTANT:**
For Nonparticipating Candidates with MCEA Opponent: The campaign account balance forward is considered a “contribution” from the candidate’s primary election campaign to the general election campaign and must be reported as noted above. That amount must be included with any other contributions received thereafter for the general election to determine when the matching fund 101% accelerated reporting requirement is triggered.



PRINTED ON RECYCLED PAPER

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE

PHONE: (207) 287-4179

FAX: (207) 287-6775

For MCEA Candidates: Unspent Clean Election Act distributions from the primary election may be carried forward and expended in the general election campaign. That balance must be reported on the 42-day post-primary report as noted above. While the amount of an MCEA candidate's general election initial distribution determines when a nonparticipating opponent must file an accelerated 101% Report, the MCEA candidate's unspent primary election distribution carried forward to the general election will be added to the general election distribution to determine the amount of matching funds that will be paid.

EXAMPLE:

MCEA candidate:	\$ 500 (account balance from primary)
	\$3,000 (general election initial distribution)
Matching Fund 101% Report:	\$3,030 (submitted within 48-hrs. of receipt)
Nonparticipating opponent:	\$1,000 (account balance from primary)
Contributions:	\$2,030 (101% Report required)
Additional Contributions:	\$2,000
Matching Funds to MCEA	
Candidate:	\$1,530
Calculation:	$\$500 + \$3,000 + \$1,530 = \$1,000 + \$2,030 + \$2,000$

- **MATCHING FUNDS:** Advanced vs. Authorized: When a nonparticipating opponent's 101% Report triggers matching fund eligibility for a MCEA candidate, the Commission will release the maximum amount of matching funds that the MCEA candidate eventually may be eligible to receive. The notification letter will tell the total amount that has been advanced and the actual amount the MCEA candidate is authorized to spend of the total advanced amount. The MCEA candidate will be notified of any subsequent authorization to spend any additional amount. The funds already will be in the candidate's possession to expedite the transfer process. **UNDER NO CIRCUMSTANCE MAY A CANDIDATE SPEND MORE THAN THE AMOUNT THAT HAS BEEN AUTHORIZED.** Doing so could result in a penalty of up to \$10,000. Call the Commission Staff if in doubt.
 - **RETURN OF FUNDS:** Maine Clean Election Act candidates must return all advanced matching funds that they have not been authorized to spend to the Maine Clean Election Fund by November 19th (within 2 weeks after the election). They must return all other unspent authorized funds not later than December 17th (42 days after the election).
 - **OUTSTANDING CANDIDATE LOAN FROM PRIMARY:** A loan from the candidate to the primary campaign that remains unpaid as of June 12th (entering the general election campaign) may be repaid with the earliest contributions received for the general election up to the amount of the outstanding loan balance. In such case, any contributions received after repayment of the loan may trigger the 101% reporting requirement.
- EXAMPLE:**
- \$1,000 (unpaid loan balance from primary)
 - \$1,500 (contributions received)
 - ✓ \$1,000 loan repayment
 - ✓ \$ 500 balance toward computation of 101% report requirement

SPECIAL NOTICE

Please contact the Commission Staff at 287-4179 if you have any questions.